

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>MAURICE VAUGHN and</b>	:	
<b>MO VAUGHN INVESTMENTS, LLC.,</b>	:	
	:	
<b>Plaintiffs,</b>	:	<b>Case No. 2:09-cv-00097</b>
	:	
<b>v.</b>	:	<b>JUDGE ALGENON L. MARBLEY</b>
	:	
<b>RA SHONDA KAY MARSHALL</b>	:	<b>Magistrate Judge Elizabeth P. Deavers</b>
	:	
<b>Defendant.</b>	:	

### **OPINION AND ORDER**

## I. INTRODUCTION

This matter is before the Court on Plaintiffs’ Motion to Vacate the Stay in This Action.

*Motion*, Doc. No. 38. The Defendant has not timely responded. For the reasons that follow, the Court **GRANTS** the Plaintiff’s motion to vacate the stay.

## II. BACKGROUND

Maurice Vaughn (“Vaughn”) is a former professional baseball player. Mo Vaughn Investments, LLC, (“Mo Vaughn Investments”) is a limited liability company that Vaughn controls. Ra Shonda Kay Marshall (“Defendant”) is an Ohio resident and the sole member and CEO of RKM Business Services, Inc. (“RKM”), through which the Defendant offers financial management services.

On May 25, 2004, RKM entered into a Business Services Agreement with Vaughn and Mo Vaughn Investments (collectively, “Plaintiffs”) under which RKM agreed to provide financial and business management services to the Plaintiffs. Pursuant to the Agreement,

Vaughn executed a Durable General Power of Attorney authorizing the Defendant to engage in certain business transactions on the Plaintiffs' behalf. Vaughn terminated both the Agreement and the Power of Attorney in late December of 2008. Plaintiffs allege that they soon discovered that the Defendant had diverted funds from Plaintiffs' bank accounts to herself and RKM.

The Plaintiffs filed the case *sub judice* on February 6, 2009 for claims arising from the Defendant's alleged misuse of the Power of Attorney. On February 17, 2009, the Plaintiffs also commenced an arbitration action against RKM. The Defendant moved that this case be stayed pending the resolution of the arbitration, and this Court granted that request on October 8, 2009 to avoid inefficiency and inconvenience to this Court and its litigants and to avoid the risk of inconsistent results. *Order*, Doc. No. 34.

The arbitrator rendered a decision in favor of the Plaintiffs on August 26, 2010. He granted the Plaintiffs an award of \$3,504,044, held that the parties were to bear the costs of the arbitration equally, and ordered RKM to reimburse Plaintiffs \$11,250 for its half of the costs. The arbitrator ordered the Defendant to pay the total amount of \$3,515,294 to the Plaintiffs by September 26, 2010.

The Plaintiffs filed their motion to vacate the stay on October 7, 2010.<sup>1</sup> The Defendant has not timely responded, and the matter is now ripe for decision.

### III. ANALYSIS

The Court exercised its discretion to issue a stay pending arbitration because "it would be an inefficient and duplicative use of time and effort for this Court and the litigants if the parties are required to proceed in two forums at once." *Order*, Doc. No. 34 (citing *Patnik v. Citicorp*

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<sup>1</sup>On October 7, 2010, the Plaintiffs also filed a related case against RKM to enforce the arbitration award. *Petition*, Doc. No. 2, Case No. 2:10-mc-00034. That case is currently pending before this Court. *Order*, Doc. No. 5, Case No. 2:10-mc-00034.

*Bank Trust FSB*, 412 F. Supp.2d 753, 762 (N.D. Ohio 2005)). The Plaintiffs argue that the disposition of the arbitration eliminates the need for a stay. The Court agrees. Based on its inherent powers to control the disposition of the cases on its docket, *see Asahi Glass Co. v. Toledo Eng'g Co.*, 262 F. Supp. 2d 839, 842 (N.D. Ohio 2003), and because the Defendant has not opposed Plaintiffs' Motion, the Court hereby **GRANTS** the request to vacate the stay.

#### **IV. CONCLUSION**

For the foregoing reasons, Plaintiffs' Motion to Vacate the Stay is **GRANTED**. The Court accordingly lifts the stay in this case, reactivating it. The Parties are directed to contact Magistrate Deavers to arrange for a status conference.

**IT IS SO ORDERED.**

s/Algenon L. Marbley  
**Algenon L. Marbley**  
**United States District Court Judge**

**DATED: December 17, 2010**